GOVERNMENT OF MADRAS.

Department.

D.O.
Memorandum

FOR MYSORE STATE

LOCAL ADMINISTRATION DEPARTMENT
26 SEP 1950
SECRETARIAT, MADRAS

LOCAL ADMINISTRATION DEPARTMENT.

From
Sri. Y. Mahabaleswarappa,
President, District Board, Bellary.

To
The Secretary to Governmer
L.A. Department, Ft. St.
Madras.

Ref. C.No. 2925/50-B.1. Dated 20-9-50.

38958

Sir,

SST. SECRETARY TO GOVT.
6806
0 SEP 1950
REVENUE DEPARTMENT

Sub:- Lease - Land -S.No.165/1- Hospet town - vested in the Bellary Dist. Board - Collector of Bellary granting license to Messrs. Kavasali & Co., Hospet for the erection of a petrol Bunk - protes cancellation of license - orders - requested.

--O--

I have to state that the Travellers Bungalow without-house situated in S.No. 165/1 of Hospet Town were transferred to the management of the Bellary District Board in G.O. No. 877 Financ Department dated 6th July 1872. The main Bungalow stands in the centre of the S.No. referred to above with the open space extending upto the Trunk Road leading from Hospet to Mysore Frontier Road. The boundaries of the Bungalow with the open space are very well defined by the Survey stones and the gate pillars of the compound. Ever since the transfer, the Travellers Bungalow and the outhouses with the open space, they are under the management of the Bellary District Board.

These buildings were occupied by the offices of the District Board Engineer's subordinate offices and consequent on the formation of the Highways Department, are now rented out for the location of the offices of the Highways, department and are in charge of the Divisional Engineer, Highways, Bellary. In spite of these facts the Collector of Bellary has in his proceedings R.Dis. No. 7616/49-A.3. dated 23-12-50 issued a license to Messrs. Kavasali & Co., Hospet for the erection of a petrol Bunk in a portion of S.No. 165/1 vested in the District Board in the compound space without consulting either the manage ent or the Divisional Engineer, Highways, Bellary who is in-ch of District Board buildings. A copy of the proceedings of the Collector cited above was communicated to this office on 23-5-5(after a lapse of Five months from the date of issue of license. The delay is significant.

The erection of the Petrol Bunk on the site of the District oard mars the view of the building in the centre and proves a ource of public nuisance, forms an obstruction for the compound all arranged to be reconstructed by the District Board. The rant of the license was protested against both by this office, and by the Divisional Engineer, Highways, Bellary in his letter R.Dis.No. 4993/50.H.C. dated 3-8-50 (copy enclosed). The Collec was requested to review the grant of the license for the reasons stated and to grant a license if necessary for the erection of a Bunk at the junction of the Hospet Mysore Frontier Road and Chittawadigi Road which causes less inconvenience to the public as recommended by the Divisional Engineer, (Highways). The new site was inspected by me with necessary sketches.

The Collector of Bellary in his letter No.L.Dis.11958/50.A3 dated 18-8-50 to the Divisional Engineer, Highways, Bellary (copy enclosed) declined to cancel the license stating that S.No. 165/1-V.S. poramboke of Hospet Town, has neither been alienated to the District Board nor vested in it and the occupation of the site treated as encroachment by the District Board. The question of alienation of the site did not arise

is the site with the buildings were transferred to the management of the District Board by the Government and as such there can be no encroachment of any sort on the site as stated by the Collector.

The action of the Collector of Bellary in having granted license for the erection of a Petrol Bunk on the site vested in the District Board is to say the least unwarranted and detrimental to the interests of the public offices working in the building and the moving traffic on the Trunk Road.

The erection of the Bunk is further objectionable for the reasons stated hereunder:-

The site of the S.No. 165/1 with the buildings in the centre and the portion of site licensed for petrol Bunk are marked in the enclosed Blue Print for reference by Government. The site granted for the Bunk is 60' x 40'. As shown in the plan the open space from the wall of the main building to the other edge of the proposed road measures 99'-0" and the space between this side edge of the road to the main wall measures 3'-0". The open space allowed after survey measures only 3'-0" while the site granted for the Bunk measures 60'-0" x 40'-0". It is now clearly that the length of the Bunk site is 27'-0" in excess of the open space allowed for the compound wall and the construction of the Bunk overlaps the view of the main building in the centre. The diagonal line from one corner of the Bunk to the other corner of the main building is shown as 90'-0" which is wrong from the measurements shown above. These facts were clearly explained to the Collector of Bellary by the Divisional Engineer, Highways, Bellary in his letter No. Dis. No. 4993/50.H.C. dated 23-8-50 and this office letters Nos. C. 4925/50.B.1 dated 6-9-50 and 14-9-50(copies enclosed) and he was requested to issue stay orders to the Licensee to defer the construction of the Bunk pending a Joint personal inspection of the site by the collector of Bellary and the Divisional Engineer, Highways, Bellary. Inspite of these requests the Collector of Bellary in his proceedings No. Dis. No. 12978/50.B.4 dated 6-9-50 has informed the Divisional Engineer, Highways, Bellary (copy enclosed that no fresh facts have been brought/his notice the orders (to) already passed cannot be revised and that his subordinates should not obstruct the Licensee from entering upon the land and that a gross view will be taken if his subordinates failed to honour his (the Collector's) orders.

The Licensee on the strength of the orders of Collector of Bellary & the Sub Collector Hospet, has entered upon the land and is excavating foundations for the erection of the Petrol Bunk, though he was requested by the President, District Board Bellary to defer the construction till final orders are passed by the Collector of Bellary after joint inspection referred to above.

The action of the Collector of Bellary in a matter involving interests of the District Board a statutory Body is least justified and is detrimental to the interests of the Building and the public offices working in it. I, therefore request the Government to intervene in public interests and to ~~issue~~ early instruct the Collector to issue stay orders to the Licensee and to grant him (Licensee) a license for the erection of Petrol Bunk at the junction of Hospet Mysore Frontier Road and Chittavadigi Road in the Bus stand area being convenient to buses to have their refills. A copy of G.O. No. 877 Financial Department dated 6-7-1872 is enclosed for ready reference of Government.

As the construction of the Bunk by the Licensee is in rapid progress stay orders by wire may be issued urgently to avoid complications.

Vn.20.9. Encl—7

President, District Board,
Bellary.

Copy to Divisional Engineer, Highways, Bellary.
Copy to Asst. Engineer, Hospet.

Memo No. 68067 A/50-2 dated 10/X/50

Lease - Land - (Bellary) - Hospet town - SW.No 165/1 - Messrs Kavasaji & Co - Construction of petrol Bunk -

From the President, DT BS Bellary, letter CM.No. 4925/50 - B1 dt. 20.9.50.

— . —

A copy of the letter quoted above is forwarded to the Collector of Bellary for urgent report though the Bd of Rev along with the connected records

4.10.50

To ~~the Bd of Rev~~

Collector of Bellary (with copy of letter)

Pp 1-24 & Pp 4-134 in original & Sketch (1) to be returned.

Copy to the Bd of Rev (LR) with copy of Pp 1-24

ADDITIONAL ASST. SECRETARY TO GOVERNMENT
3 NOV 1950
7532
REVENUE DEPARTMENT

30 | x | 50 13512

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

NOTICE.

This form must accompany any inquiry made respecting this telegram.

Charge to pay		Office Stamp.
Rs.	As.	

Handed in at (Office of Origin)	Date.	Hour.	Minute.	Service Instructions.	Words.
Bellary	30	11			27

Recd. here at H. M.

To

Requem No 19 12

3 = My Reference 4925 of 50 Twentieth
le Sept'R Fifteenth Octr Petrol bunk
Reactm Distrcty board Premises
Hospet Town Collectors unauthorised
licence Cancellation Requested =

L.A. Dept (A)

Revenue Dept n.o. in continuation
of this Dept n.o. no 38958/50-1A dated
28/9/1950.

1-11-50

31/10/50

31/10

To AS

Rev Dept Memo: 435-4:
1/11/

Please see the telegram on
p5 ante - urgent - A report has been called
for from the Collr of Bellary through the
Govt after in the matter vide memo
on p6 ante. The Collr may be reminded
on 10-11-50 if necy.

6/11/50

6.11.50.

Collector's Office, Bellary.
dated 1.11.50.

From
Sri.G.Rami Reddi B.A.,
Collector, Bellary.

To
The Assistant Secretary,
Board of Revenue, Madras.

Refc. CNo. 13913/50 B.7. dated 1.11.50.

Sir,

Sub: Lease - Leand (Bellary)- Hospet town- Survey No. 165/- - M/s Kavasali & Co.,- construction of petrol Bunk.

Ref: 1. Govt. Memo (Rev) No. 68067 A/50-2 dated 10.10.50.
2. Board's Refc. No. B. 9910/50-1 dated 25.10.50.

A report was called for from the Tahsildar, Hospet in this office Rc. No. 13913/50 B.7. dated 26.9.50 in regard to the encroachment on the site by the District Board. He has been reminded on 29.10.50 on receipt of his report I shall submit mine .

For Collector. 2/11/50

ksv 2.11.
Copy submitted to the Asst. Secretary to Government (Rev Dept.), Madras, for information.

Rev Dept

Submitted for perusal - The Collr may be reminded on 10.12.50 if necy.

2/11/50

4/11/50

Local Administration Department.

From
Sri. Y. Mahabaleswarappa,
President, District Board Bellary.

To
The Secretary to G
L.A. Dept., Ft. St

Ref.C.No. 4925/50.B.1.Dated 21-11-50.

47421

Sir,

Sub:- Lease - Land -S.No. 165/1 - Hospet Town - vested in the Bellary District Board - collection - Bellary granting license to Messrs. Kavasali & Co., Hospet for the construction of a Petrol Bunk - protested - cancellation of License - orders requested.

Ref:- This office letter C.No. 4925/50.B.1. Dated 20-9-50 & Telegram dated 30-10-50.

LOCAL ADMN. 27 NOV 1950 SECRETARIAT, MADRAS

1/1-3 ante

5 ante

I invite the kind attention of the Government to this office letter No. & Telegram cited above and request early orders of the Government cancelling the license granted by the Collector Bellary detrimental to the property and interests of the administration of the District Board. Inspite of protest from this office and the Highways, Engineering Officers in-charge of the District Board build and the Licensee with the strong support of the Revenue authorities on the spot has constructed the petrol bunk and was about to perform the opening ceremony; to his dissatisfaction Collector's stay orders were served on him to stop construction.

It is already high time for the removal of the Petrol Bunk and I request the Government to come to the rescue of the District Board and pass early orders cancelling the license and removal of the Bunk

to some other place in the locality of the Bus stand. Board is a creation of the statute and its interests are as sacred as that of Government.

Yours obedt servt

President, District Board,
Bellary.

23/XI

Vn. 23.11.

L.A. Dept (a)

680 b 7/50

The letter and the telegram from the P.D.I Bellary referred to on p 1 above were transferred to Revenue Dept with L.A. u-o. Nos 38958/50-1A dy 28-9-50 and No 43542/50-1A dy 1/11/50, respectively. This letter from the P.D.B may be sent in continuation to Revenue Dept with the request that an interim reply may, if necessary, be sent to the P.D.B.

M
29/11/50

Revenue
4.12.50.

LA. No: 47421-1A
5.12.50.

C no 68067 A/50

Draft I 10 Rev Dy

Two Drafts

A-Sh. 27/12

Please issue return by 27.12.50.

O.M. no. 68067 A/50-3 d) 26.12.'50.

Lease - Land - (Bellary) - Hospet Town - S. no. 165/1 - Messrs Kavasaki & Co - Construction of petrol bunk.

p4 ref Govt Memo no 68067 A/50-2 d) 10.10.50. From the Coll. of Bellary, Reference no. 13913/50

p7 ref d) 1-11-50.

The attention of the Collector of Bellary is invited to the Govt Memo cited above. He is requested to treat the matter as specially urgent and submit his reports at a very early date.

26/12/50

To

The Coll. of Bellary 26/12/50

Copy to the Bd of Rev.

MO 27/12

Dr:11 ? Rev. Depn.

O.M. No. 68067 A/50-4. d 26.12.'50.

A Sh. 27/12

Phasisme d return. fm 27.12.'50

Lease - land - Bellary - Hospet Town - Sno 165/1 - Messrs Karabali & Co - Construction of Petrol Bunk.

From the President, Dt Board/Lr Bellary CNo 4925/50 B7. d 21-11-50.. 1/p 8-7cy

The P.D.B Bellary is informed that the matter is under correspondence with the Collector of Bellary and that orders will be issued as early as possible.

26/12/50

26.12.50

To

Dte D.D B'lore

Local Administration Department. 2-36-A

From:-
Sri. Y. Mahabaleswarappa,
President,
District Board, Bellary.

To
The Secretary to Government,
Local Administration Department,
A D M I S.

Ref.C.No.4925/50 B.1 dated 4.1.51.

Sir,

Sub:- Lease - Land S.No.165/1 - Hospet Town - Vested in the Bellary District Board - Construction of a Petrol Bunk by Messrs: Kavasali & Co., Hospet on the Board's Land - Licence granted by the Collector of Bellary - protested - cancellation of licence - Orders - Requested.

Ref:- This Office letter No.C.4925/50 B.1 dated 20.9.50, Telegram dated 30.10.50 and letter C.R.No.4925/50-B.1. dated 21.11.1950.

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No orders have been passed by the Government in the matter till now. The licensee has completed the construction of the Bunk with accelerated haste before the stay orders of the Collector of Bellary was served on him by the Revenue Officials.

In the bonafide interests of the administration of the District Board, I request Government to pass early orders cancelling the license and ordering the shifting of the bunk to some other un-objectionable site. I am constrained to remark that the Revenue Department miserably failed to consult this Office before it granted a license to open a bunk on the District Board site to a private merchant who applied for permission in the furtherance of his interests. The interests of a public body, the District Board, are, I believe, deserve better consideration than that of a private individual. If the procedure usually followed had been done by the Revenue Department all this unpleasantness could have been avoided.

Y. Mahabaleswarappa
President,
District Board, Bellary.

HMH/5.1.51.

Copy to the Secretary to Government, Revenue Department, Madras.

Rev Dept.

To A.S.

Submitted for perusal
re the report of the Coll. of Bellary and the remarks of the Dt. of Rev in the matter have not yet been recd. They were required on 26.12.50. Their reports may be awaited till 26-1-51.

17-1-51

18/1

Proceedings of the Collector, Bellary
Sri.G.Rami Reddi, B.A.,

ef.C.No. 13913/50 B7 Dated 3-1-1951.

Lease - land (Bellary) Hospet Town - S.No. 165/1 M/S Kavasali and Co. hence forth known as Channabasappa Kotambni - ordered.

Letter No.Nil dated 25-12-50 from Sri Chennabasappa Kotambni, Caltex Agent, Hospet.

M/S Kavasali & Co. Hospet will hence-forth be addressed as Channabasappa Kotambni, Caltex Agent, Hospet so far as the Petrol Bunk in S.No. 165/1 of Hospet is concerned.

For Collector 19-1-51

To
Sri Channabasappa Kotambni, Caltex Agent, Hospet with agreement.
Copy to the Secretary to Government, (Revenue Department) Madras.
Copy to the Sub Collector, Hospet, T.D.C. Bellary, Tahsildar, Hospet
Municipal Commissioner, Hospet.

GOVERNMENT OF MADRAS.
Local Administration Department.
****

MEMORANDUM NO.1094/51-2A dated 22nd January 1951.

SUB: LEASE - Bellary District - Hospet Town - S.No.165/1 - Licence granted by Collector for construction of petrol bunk by Messrs. Kavasali and Co. - Hospet Cancellation.

REF: From the President, District Board, Bellary, Ref.C.No. 4925/50-B1 dated 4th January 1951.

The matter is under consideration of Government in theRevenue Department.

R.KRISHNAMURTI,
Assistant Secretary to Govt.

To
The President, District Board, Bellary.
Copy to the Revenue Department(with enclosure)

Forwarded/By Order

Skc 22-1. Superintendent

Copy of letter from the President, District Board, Bellary Ref.C.No.4925/50-B1 dated 4th January 1951.

SUB: LEASE - Land S.No.165/1 - Hospet Town - Vested in the Bellary District Board -Construction of a Petrol Bunk by Messrs. Kavasali & Co., Hospet on the Board's land - Licence granted by the Collector of Bellary - Protested - Cancellation of licence - Orders - Requested.

REF: This office letter No.C.4925/50-B.1 dated 20-9-1950, Telegram dated 30-10-50 and letter C.R.No.4925/50-B.1 dated 21-11-1950.

No orders have been passed by the Government in the matter till now. The licensee has completed the construction of the Bunk with accelerated haste before the stay orders of the Collector of Bellary was served on him by the Revenue Officials.

In the bonafide interests of the administration of the District Board, I request Government to pass early orders cancelling the license and ordering the shifting of the bunk to some other unobjectionable site. I am constrained to remark that the Revenue Department miserably failed to consult this Office before it granted a license to open a bunk on the District Board site to a private merchant who applied for permission in the furtherance of his interests. The interests of a public body, the District Board, are, I believe, deserve better consideration than that of a private individual. If the procedure usually followed had been done by the Revenue Department all this unpleasantness could have been avoided.

Rev.Dept..

To A.S. Submitted for perusal. A draft memo /true copy/ reminder to the Collector is submitted for approval.

Superintendent

Sri G. Rami Reddi, B.A.,
Collector, Bellary.

1 FEB 1951

The Secretary to Government,
Revenue Department, Madras.

Subject: Lease - Land (Bellary) - Hospet town - S.No. 165/1 Channa Basappa Kotambri - Caltex Agent - Hospet Construction of petrol bunk.

Reference: Government Lr.No. 68067-A/50-5 dated 2-2-51.

..

The report was submitted to the Government, through Secretary, Board of Revenue, Madras, in this office Rc.No. 13913/50 B.7. dated 18-1-51, as directed in Government Lr.No. 68067-A/50-2 dated 10-10-50. However, a copy of the report is enclosed.

G. Rami Reddi
Collector.

For Collector.

L.7.2.

(Copy submitted to the Secretary, Board of Revenue, Madras with reference to Board's Ref. No. 9910/50-1 dated 25-10-50 with a copy of this office Rc.No. 13913/50 B.7. dated 18-1-51.)

Copy of this office letter Rc.No. 13913/50 B.7. dated 18-1-51 addressed to the Secretary to Government, Revenue Department Madras through the Secretary, Board of Revenue, Chepauk, Madras.

Subject: Lease - Land (Bellary) Hospet town - S.No. 165/1 V.S.Poramboke - M/s Kavasali &Co., - construction of petrol bunk - report.

Reference: 1. Government memorandum No1. 68067-A/50-2 dated 10-10-5
2. Board's Ref. B-9910/50-1 dated 25-10-50

The Bungalow situated on S.No. 165/1, Village site poramboke of Hospet town was transferred to the charge of the L.F. Board Bellary circle in G.O.No. 877 dated 6-7-1872.

An extent of 60' X 40' in S.No. 165/1 has been leased out to M/s Kavasali &Co., for the construction of a petrol bunk on payment of an annual licence fee of Rs. 132/- in this office Lis. No. 7616/49 A.3. dated 23-12-49.

The President, District Board, Bellary, in his letter L.F. S.No. 4925/50 B.1. dated 6-9-50 reported that the bungalow, its out-houses and the vacant space, measuring Ac.2-76 were transferred to the Bellary District Board in G.O.No. 877 dated 6-7-1872 and that the buildings and the vacant land have been in the possession and enjoyment of the District Board, since then. He also objected to the leasing out to M/s Kavasali &Co.,

as requested in his letter Rc.No. 4925/50 B.1. dated 25- orders were issued to M/s Kavasali & Co., in this office Rc.No. 13913/5 B.7. dated 26-9-50 not to proceed with further construction of the petr bunk on the site leased out to them.

M/s Kavasali & Co., represented that they received the stay orders only on 30-9-50 by which time they had completed the construction of the petrol bunk. As the construction of the bunk had been completed and as they had received a supply of petrol, they were temporarily permitted in this office Rc. 13912/50 dated 12-10-50 to run the bunk on condition that they should vacate and remove the bunk, if the District Board, Bellary, proved its title to the land, or that they should take a lease from the District Board.

There is no mention of the site measuring Ac 2-76 in S.No. 165/1, V.S.Por having been transferred to the L.F. Board in G.O.No. 887 dated 6-7-1872. In its Rc. 2431/46 dated 20-1-47, the District Board, Bellary had applied for the alienation of the site for the construction of office building and a compound wall, but as the Municipality objected to it, alienation was refused in this office L.Dis. 108/47 dated 13-6-48. If the site had really vested in the District Board, it would not have applied to the Collector for the alienation of the site.

An encroachment by the District Board on an extent of Ac. 1-04 in S.No. 165/1 was booked from the year 1939 to 1949. In F.1359 an encroachment on only 20 cents was booked.

At the time of the site was leased out to M/s Kavasali & Co., all the site around the bungalow was vacant. Subsequently, the Assistant Engineer, Highways Department, put up some tar drums around the site leased out to M/s Kavasali & Co., An extent of Ac. 0-5 occupied by the tar drums has been booked as an encroachment under the Land Encroachment Act, as they cause inconvenience to the Public. The site in S.No. 165/1 was leased out to M/s Kavasali & Co., only after considering all aspects ~~relating~~ relevant to it. The site is V.S.Poramboke at the disposal of Government, and there is nothing to show that anything other than the Travellers' Bungalow was made over to the Local Fund Board.

(6) Copy of Collector's R. Dis. 12978/50 dated 6-9-50
(7) Copy of Rc. No. 4925/50 B.1. dated 13-9-50 from the President Dt. Board to the Collector, Bellary.
(8) Copy of Proceedings of the Madras Government, financial Department dated 6th July 1872.
(9) Sketch.

G. Rami Reddi
18-1-51
Collector.

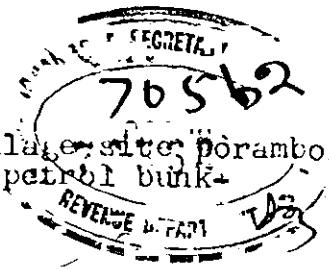
True copy

For Collector.

ToAS
Submitted for perusal
The Bd's remarks may be
awaited till 25.3.57
dp
12/215

Revenue Department 1C/A

Subject



LEASE--Land (Bellary) Hospet town - S.No.165/1--Village site poramboke in favour of M/S Kavasali & Co.,-construction of a petrol bunk-Objection by the District Board--report-submitted.

Ref.No.B.9910/50-7

Madras. Dated 28th September, 1951.

From

Sri A.F.Mascarenhas, I.A.S., Secretary, Board of Revenue, Madras.

To

Sri W.R.S.Sattianathan, I.C.S., Commissioner of Land Revenue.

Read:-1.Govt.Memo.No; 68067-A/50-2 dt.10-10-50.
2. Bellary Collector's Rc.No. 13913/50-B.7. and its enclosure dt. 18-1-51.
3. Bellary Collector's Rc.No.13913/50-B7 dt.3-3-51. & do
4. Board's Ref.B.9910/50-5 dt.18-7-51.
5. Bellary Collector's Rc.No.13913/50-B.7.dt.25.8.51.

Reference:-

With reference to the Government Memorandum cited, the Board submits the following remarks on the objections raised by the District Board:--The site in question appears to vest in the District Board. The Collector has no authority to lease it out for a pertrol pump. The previous sanction of the Government ought to have been obtained by the Collector before allowing the installation to be constructed. No indemnity bond was taken from the lessee, guaranteeing the Government against any loss or expenditure resulting from claims to the land occupied by the pump vide G.O.Ms.No.2038

-2-

Revenue dated 6-10-32. In these circumstances the Board recommend that the lease granted by the Collector may be cancelled.

For Secretary.

To the Secretary to the Government, Rev. Dept. Department, Madras, with necessary enclosures.

1. Two sketches. 2. Collector's R.Dis. 7616/49 dt. 23-12-49

Copy of Bellary Collector's letter No. 13913/50-B7 dt.18-1-51. to the Secretary to Government, Revenue Department, through the Board of Revenue, Madras

Sub:-Lease-Land (Bellary)-Hospet town-S.No.165/1-village site poram M/S Kavasali & Co.,-Construction of a petrol bunk-report.
Ref:-1.Govt.Memo.No. 68067-A/50-2 dt.10-10-50.
2. Board's Ref.No.B.9910/50-1 dt.25-10-50

The Bungalow situated in S.No.165/1, village site poramboke of Hospet town was transferred to the charge of the Local Fund Board Bellary circle in G.O.No. 877 dated 6-7-1872.

2. An extent of 60' x 40' in S.No 165/1 has been leased out to M/S Kavasali & Co., for the construction of a petrol bunk on payment of an annual licence fee of Rs.132/- in this office R.Dis. No. 7616/49-A3 dt. 23-12-49.

3. The President, District Board, Bellary, in his letter Rc. No. 4925/50-B1. dt. 6-9-50 reported that the bungalow, its out-houses and the vacant space, measuring Ac.2-76 were transferred to the Bellary District Board in G.O.No.877 dated 6-7-1872 and that the buildings and the vacant land have been in the possession and enjoyment of the District Board since then. He also objected to the leasing out to M/S Kavasali & Co.,

4. As requested in his letter Rc.No. 4925/50-B1.dt.25-9-50, orders were issued to M/S Kavasali & Co., in this office Rc.No. 13913/50-B.7. dt. 26-9-50 not to proceed with further construction of the petrol bunk on the site leased out to them.

5. M/S Kavasali & Co., represented that they received the stay orders only on 30-9-50 by which time they had completed the construction of the petrol bunk. As the construction of the bunk had been completed and as they had received a supply of petrol, they were temporarily permitted in this office Rc.No.13913/50 dated 12-10-50 to run the bunk on condition that they should vacate and remove the bunk, if the District Board, Bellary, proved its title to the land or that they should take a lease from the District Board.

6. There is no mention of the site measuring Ac.2.76 in S.No. 165/1 village site poramboke having been transferred to the Local Fund Board in G.O.No. 877 dated 6-7-1872. In its Rc.No.2481/46 dated 20-1-1947, District Board, Bellary, had applied for the alienation of the site for the construction of office building and a compound wall but as the Municipality objected to it the alienation was refused in this office D.Dis. No.108/47 dated 13-6-48. If the site had really vested in the District Board, it would not have applied to the Collector for the alienation of the site.

7/ An encroachment by the District Board on an extent of Ac.1.05 in S.No. 165/1 was booked from the year 1939 to 1949. In F.1359 an encroachment on only 20 cents was booked.

8/- At the time the site was leased out to M/S Kavasali & Co. all the site around the bungalow was vacant. Subsequently, the Assistant Engineer, Highways Department put up some tar drums around the site leased out to M/S Kavasali & Co., An extent of Ac.0-5 occupied by the tar-drums has been booked as an encroachment under the L.E. Act, as they cause inconvenience to the public. The site in S.No. 165/1 was leased out to M/S Kavasali & Co., only after considering all aspects relevant to it. The site is village site poramboke at the disposal of Government and there is nothing to show that anything other than the Travellers' Bungalow was made over to the Local Fund Board.

9/- I enclose a copy of this office D.Dis.108/47 dated 13-6 and the following enclosures received with Board's memorandum No 68067-A/50-2 dt. 10-10-50:

1. R.Dis.No. 4993/50-HC dt. 3-8-50 from the Divisional Engineer, Highways (H) addressed to the Collector, Bellary.
2. Copy of letter L.Dis.11958/50-A3 dt. 18-8-50 from the Collec Bellary to the Dist.Engineer, H.W.Bellary.
3. Copy of letter R.Dis. 4993/50 HC dt. 23-8.50 from the Divisi Engineer, H.W. to the Collector, Bellary.
4. Copy of Collector's R.Dis.7616/49-A3 dt. 23-12-49.
5. Copy of letter C.No. 4925/50-B1.dt.6-9-50 from the President District Board, Bellary to the Collector, Bellary.
6. Copy of ~~letter~~ Collector's R.Dis.12978/50 dt. 6-9-50.
7. Copy of Rc.No. 4925/50-B1.dt. 13-9-50 from the President, Dist.Board, to the Collector of Bellary.
8. Copy of proceedings of the Madras Government, Financial Dept. dt. 6th July, 1872.
9. Sketch.

-true cop

Copy of D.Dis.No.108/47 dt. 13-6-1948 from the Collector of Bell to the Special Officer, District Board, Bellary.

Alienation--Land-Hospet taluk and town-S.No. 165/1 in favour of District Board-Proposals-dropped.

Ref:-Your Rc.No. 2481/46 dt. 20-1-47.
R.Dis. 2895/48-A2 dt. 1-6-48 from the Commissioner, Hospet Municipality.

The Commissioner, Hospet, Municipality informs me that the s applied for by you for the office of the Assistant Panchayat Off is required by the Municipality for extending the road running between taluk office and town police station up to the trunk road The site cannot therefore be alienated to you.

-true copy--

Copy of Bellary Collector's letter No. 13913/50-B.7.dt.3.3.51.

Sub:- as above.

Ref:-1. Board's Ref.No.B. 9910/50-1 dt. 25-10-50.
2. This office Rc.No.13913/50-B7 dt. 18-1-51 & 28-2-51. } N

In continuation of this office reference dated 28-2-51, I submit a copy of this office Rf.No. 13913/50-B.7.dt. 22-1-51 requesting the president, District Board, Bellary to quote the authority under which the old Traveller's Bungalow is being used or other purposes and a copy of his reply in C.R.No. 4925/50-B1 dated 16-2-50 obtained for locating the Taluk Board Office and later the office of the Assistant Engineer (H.W) in the old Travellers' Bungalow in S.No. 165/1 of Hospet town.

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Copy of this office Ref.No.C. 13913/50 B.7.dt.22-1-51 addressed to the President, District Board, Bellary.

Sub:- as above.

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The Bungalow in S.No.165/1 of Hospet which was made over to the Local Fund Board, in G.O.No. 877 dt. 6th July, 1872, was a Traveller's Bungalow. Please let me know the authority under which the bungalow is being used for other purposes.

Copy of C.R.No. 4925/50 B1 dt. 16-2-50 from the President, District Board, Bellary addressed to the Collector, Bellary.

Sub:- Buildings--T.B.Project-Town- S.No.165/1 Made over to the Local Board in G.O.No.877 Revenue dt. 6.7.1872-Further-particulars.
Ref:- Your letter Rc.No.13913/50-B7 dt. 22-1-51.

After the construction of a new Travellers Bungalow at Hospet near Chitwadigi the old Travellers Bungalow come to be abandoned by any travellers and touring officers. Hence Travellers Bungalow was utilised for locating the Hospet Taluk Board and Hospet Assistant Engineer's offices.

After abolition of Taluk Boards in the year 1934 the building became District Board property and was used for the accommodation of the Assistant Engineer's office and Supervisor's office. Ever since then the building is in the possession of the District Board. As the matter is about 80 years old no further information is traceable.

3. So long the Hospet Taluk Board functioned it was paying property tax in respect of this building and compound to the Hospet Municipality. After the Taluk Board was abolished the District Board has been paying the property tax.

-true copy--

Copy of Board's Ref.No. B.9910/50-5 dt. 18-7.51 to the Collector.

Sub:- Lease-Land (Bellary) Hospet town-S.No.165/1-Construction of a petrol Bunk by M/S Kavasali & Co.,-objection-report-called f

Ref:-1.Board's Ref.B. 9910/50-1 dt. 25-10-50.
2. Bellary Collector's Rc.No.13913/50-B7 dt.18.1.51. NL

In his report cited the Collector states that an extent of 60' x 40' in S.No.165/1 of Hospet town has been leased out to M/S Kavasali & Co., for the construction of a petrol bunk. The Collector has not reported the period upto which the lease was sanctioned. He is requested to report on the following points.

1. The period up to which the lease has been sanctioned.

2.The authority under which it has been sanctioned.

2/- The Collector is also requested to submit the connected records urgently for Board's perusal.

-true copy--

Copy of Bellary Collector's letter No. 13913/50 B7 dt. 25-8.51.

Sub:-Lease-Land-(Bellary)Hospet town-S.No.165/1 Construction of a petrol bunk by M/S Kavasali & Co.,-report-submitted.

Ref:- Board's Ref.No.B.9910/50-5 dt. 18-7-51. p.22 ante.

The lease of the site was granted to M/S Kavasali & Co., Hospet in this office R.Dis.No.7616/49-A3 dt. 23-12-49 subject to the condition that the prescribed fees should be paid every year i.e. the lease is renewable every year.

2. The lease was granted under paragraph 3 (iii) of B.S.O. 24-A superseded by C.S.No. 184/17-2-41.

3. This office R.Dis.7616/49.A.3. dt. 23-12-49 in which the lease of the site was granted, is enclosed for Board's information and return.

For Secretary.

Copy of the letter R.Dis. No. 4993/50-Hc. dated 3-8-50 from the Divisional Engineer,(H) Bellary. to the Collector of Bellary.

Sub:- Hospet Village site Poramboke -S.No. 165/1. - construction of a petrol bunk - License granted- cancellation - requested

Ref:- License for construction of a petrol pump and reservoir on sort of S.No. 165/1 granted by the Collector of Bellary on 23-12-49.

S.No. 165/1. which is part of the village site of Hopet contains old Government buildings which were transferred to the Dist. Board. The old taluk office building and the outhouses with 2.A. and 76.C. of land were transforred to the Dist. Board in G.O.No. 337.D/6-7-1872 and the Pools shed or stone shed with).A 41.C of land was transferred to the Dist. Bd. in G.O. No. 564/10-6-1902. These pieces of land have bee in the possession of the Dist. Bd. ever since this transfer and the Dist. Bd. has been paying a land revenue of Rs. 11-3-0 and 4-3-0 respectively for this all these years.

It is now seen that a license has been granted by the Collector on 23-12-49 to M/S Chennabasappa Kotambi Pro: Kavasali & Co., to erect a petrol pump and reservoir and connected stretches on a piece of land 40' x 60' forming a part of the above No. This has been done without any reference to the Dist. Bd. who now own the land and the buildings - presumably because the site is named village poramboke though it has been Dist. Bd. property for nearly eighty years

The main building on this land has been rented out by the Dist. Bd. to the Highways department for the location of the office of the Asst. Engineer. The location of petrol bunk sight in front of this office will cause a nuisance, detact from the appearance of the building and generally reduce the value and the utility of the site.

I, therefore request that the above licence may be cancelld. if it is considered necessary to give a license for a petrol bunk in this area the Junction of the H.M.F. Road and Chittawadigi Road will be a less objectionable place. This is also marked on the enclosed sketch.

Sd. H.S.Srouty,
Divisional Engineer.

/True Copy/

Yoganabasappa

President, District Board.
Bellary.

Vn. 20.9.

Copy of the letter L.Dis. 11958/50.A.3. Dated 18-8-50 from Collector, Bellary to the Dist. Engineer, Highways, Bellary.

Sub:- Leases - Hospet taluk and town -S.No. 165/1.V.S. per-Evoction of a petrol Bunk by M/S - Kavasali & Co., Leasing out of the site - objection.

Ref:- Your R.dis. No. 4993/50. H.C. dated 13-8-50. p. 24 ante

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S.No. 165/1. V.s. poramboke of Hospet town has neither been alienated to the District Board nor vested in it. Even the occupation of the site in part by the District Board is treated as an encroachment and ground rent is being levied every year and collected from it.

Before leasing out the plot, the site in question was inspected on 18-12-49 by the then Collector who found that the grant of plot would not in any way interfere with the needs of the District Board as sufficient spare has been left over for the construction of a compound wall around to the District Board Buildings. Hence I cannot cancel the orders already passed.

Sd. G.Rami Reddy
Collector.

/True copy/

Y Mahabalamurthy

President, District Board,
Bellary.

2/9.

Copy of the letter R.Dis. No. 4993/50-H.C. dated 2
rom The Divisional Engineer, Highways, Bellary to the Collecto:
f Bellary.

Sub:- Lease - Hospet taluk and Town -S.No. 165 - I.V.S.,Poonamboke
erection of petrol bunk by M/S Karasali & Co., - leasing
out of the site - Objection.
Ref:- Your L.dis.No. 11958/50-A.3. dated 19-8-50.

The District Board has all along been under the impression
hat the land was vested in the District Board as it was transferred
long with the building in 1872. The fact that the land was not
ssigned specifically has been obviously overlooked and the District
oard has therefore has not taken steps to get the land assigned.

I would urge that the technical failure to get the land assign-
d should not be held against the District Board which is also a
overnment Body and this not should be made the ground for not
econsidering the order.

Apart from this the site now leased is close to a bend on the
ospet Mysore Frontier Road and the location of the petrol bunk
ere is sure to cause obstruction to traffic and be generally a
uisance to the road.

The alternative site suggested by me at the junction of the
ospet Mysore Frontier road and chittavadigi road is in every way
ore suitable for this purpose and as it has approaches for two roads
acilities can be provided for vehicles to fill up without obstruct-
ng the main road. The licensee also will not suffer any loss as
e will get a better site in the same locality. These points will
ecome clear, if you can kindly inspect the two sites. I shall also
e present during the inspection if I am informed of the date
nd time.

I therefore request you to inspect the site before passing
our final orders on the matter. The licensee may be instructed
ot to proceed with the construction till the site is again
nspected and final decision taken.

Sd. M.S.Srouty,
Divisional Engineer,
HighWays,Bellary

/True copy/

Yogavatakeswarappa

President,District Board,
Bellary.

2
21/9

C.p. of the letter K.dis. No. 4993/50-A.S. dated 25-10-50
from the Divisional Engineer, Hingwa, Bellary to the Collector
of Bellary.

Sub:- Lease - Ibapet taluk and Town -S.No. 185 - I.V.S., Pombo'co
erection of petrol bunk by M/S Karasadi & Co., - Issuing
out of the site - Objection.

Ref:- Your L.dis.No. 11958/50-A.S. dated 19-8-50.

The District Board has all along been under the impression that the land was vested in the District Board as it was transferred along with the building in 1872. The fact that the land was not assigned specifically has been obviously overlooked and the District Board has therefore has not taken steps to get the land assigned.

I would urge that the technical failure to get the land assigned should not be held against the District Board which is also a Government Body and this not should be made the ground for not reconsidering the order.

Apart from this the site now leased is close to a bend on the Ibapet Hyaore Frontier Road and the location of the petrol bunk here is sure to cause obstruction to traffic and be generally a nuisance to the road.

The alternative site suggested by me at the junction of the Ibapet Hyaore Frontier road with chittavadgi road is in every way more suitable for this purpose and as it has approaches for two roads facilities can be provided for vehicles to fill up without obstructing the main road. The licensee also will not suffer any loss as he will get a better site in the same locality. These points will become clear, if you can kindly inspect the two sites. I shall also be present during the inspection if I am informe of the date and time.

I therefore request you to inspect the site before passing your final orders on the matter. The licensee may be instructed not to proceed with the construction till the site is again inspected and final decision taken.

Sd. T.S.Srenty,
Divisional Engineer,
Hingwa,Bellary

/True copy/

Copy of Collectorâs proceedings R.Dis. No. 7616/49.A.3. dated 23:
mber '50.

Leases. Land - Hospet taluk and town - S.No. 165/ 1. site measuri:
60' x 40' - erection of Petrol pump - draft license in favour of
Kavasali & Co., Hospet - ordered.

Read: Application of Kavasali & Co., Hospet dated 20-6-1949.
Tahsildar, Hospet Rc.No. 4022/49. dated 26-11-49.
Sub Collector, Hospet No. 6803/49.dated 3-12-49.

O R D E R:-

The draft license granting a site measuring 60' x 40' in S.No. 165/1 of Hospet town, marked A.B.C.D. in the ketch appended is approved.

The licensee should credit the first annual license fee of Rs. 132/- into Hospet sub-treasury within seven days from the date of receipt of the license and the future annual license fee on or before the 22nd day of December of every year.

Sd. N.V.Sugavanam,
Collector.

/True copy/

President, District Board,
Bellary.

K4 from the previous file

Copy of the letter C.No. 4925/50-B.1. Dated 6-9-50 to the Collector of Bellary.

Sub:- Leases - Land Hospet - Tq and town - S.No. 165/1 -site measuring 60' x 40' - erection of petrol pump - License granted to Messrs. Kavasali & Co., - Hospet - held objectionable.

Ref:- Your proceedings R.Dis.No. 7616/49.A.3.dated 23-12-49 (5)

S.No. 165/1. village site in Hospet Tq and Town comprises about 115 acres of which 2-76 with the building and outhouses thereon were transferred to the Bellary District Board in G.O.No. 877 dated 6-7-82.

Copyship - 32 wipe

B

The open space in front of the building on the southern side extended up to Hospet Mysore Frontier road where till very recently two gate pillars were in existance now demolished determine the boundary of the site transferred to the District Board . The question of alienation of the land did not arise at all as the building with open site measuring 2.- 76 cents were transferred to the District Board by the Government. The buildings and the land are in possession and enjoyment of this District Board ever since the date of the G.O.referred to above. This piece of land has been surveyed and survey stones have been planted to mark the boundary of the land belonging to the District Board.

The piece of this District Board land measuring 60' x 40' leased out by you to Messrs Kavasali & Co.,Hospet for erecting a Petrol Bunk was inspected by me on 24-8-50 and is held objectionable as stated below:-

In the blue print sketch furnished by the lessee the dimension of the open space from the wall of the District Board building on the eastern side to the other end of the proposed road is marked as 99' of which 66' has been allowed for road proper and there remains only 33' of open space from this side edge of the road to the wall of the building. The piece of land leased out is 60' from East to West commencing from this side edge of the proposed road and 40' from south to North begining from the boundary line. After allowing 66' for the proposed road there remains only 33' of space as against 60' leased out. Thus it is seen the space leased out is in excess by 27' overlaping on the view of the District Board building leaving no space for the compound wall proposed to be constructed.

A rough sketch of the site is enclosed for favour of your perusal and decision as to what extent how far the piece of land leased out by you is detrimental to the interests of the District Board building occupied by the offices of the Highways Department. This will not only mar the view of the building in the centre and form an obstruction for the construction of the compound wall; but also is a source of nuisance to the public offices working in the Building and hinderance to the traffic on the trunk road as motor vehicles will have to frequent the place for filling up petrol; all/long.

Hence in the bonafide interests of the peaceful working of
ne public offices and the safe movement of the traffic on
e trunk road I would suggest a site for the Bunk at the
ction of Hospet Mysore Frontier Road and Chitwadigi road.
e change of site will cause no material inconvenience to the
censee as the alternative site proposed is also convenient
i commands central position from all the routes.

A joint inspection of the site with the Divisional Engineer,
) Bellary as requested in his letter R.dis. No. 4993/50-Hc.
ted 23-8-50 will solve the matter finally.

Pending joint inspection of the sites and issue of final
ders by you, I am instructing the Asst. Engineer, Highways,
spet to instruct the licensee to defer the erection of the bunk
this connection I invite your attention to the communications
the Divisional Engineer(H) Bellary addressed to you deprecating
e leasing out of the site under reference. He has opined that
is pristively objectionable to public interests to allow the
ncern to put up the bunk at that site. I fully agree with him.

/True copy/

President, District Board,
Bellary.

21/9

Copy of the Proceedings R.Dis. 12978/50.B.4. Dated 6-9-50 from the Collector, Bellary to the Divisional Engineer(H) Bellary.

Sub:- Municipalities - Hospet Municipality - Lease of site in S.No. 165/1. for the construction of a private Bunk Objection raised by the Divisional Engineer, Highways, Bellary orders passed.

Read: R.dis. 4993/50.H.C dated 23-8-50 from the Divl. Engineer(H) Bellary, petition dated 31-8-50 from the Proprietor, Kavasali and Co., Caltex Agents, Hospet.

This office R.dis.7616/49 dated 23-12-49 and

This office L.dis. 11958/50A.3. dated 18-8-50

The Divisional Engineer, Highways, Bellary is informed that as no fresh facts have been brought to the notice of the Collector the orders already passed in this office L.dis. 11958/50.A.3. dated 18-8-50 cannot be revised. He is requested to see that his subordinates do not obstruct the petitioner from entering upon the land. A very gross view will have to be taken if his subordinates fail to honour the Collector's orders.

Sd. R.Anniahe Naidu
For Collector.

/True copy/

President, District Board,
Bellary.

21/9

Copy of the letter RefC.No. 4925/50.B.1. dated 13-9-50 from the Pres
o the Collector of Bellary.

Sub:-Lease - Land S.No. 165/1. Hospet Tq & Town - construction of a petrol bunk - license - granted to Messrs. Kavasali & Co.,Hospet.
Ref:- Your proceedings R.dis.No.12878/50-B.4. dated 6-9-50.

As the piece of land leased out by the Collector in his proceedings R.Dis.No. 7616/49 dated 23-12-49 falls within the jurisdiction of the land attached to the Dist. Board building at Hospet the erection of the Bunk was found objectionable during my personal inspection on 24-8-50 and the Asst. Engineer,Highways, Hospet was instructed to request the licensee to defer the construction of the Bunk till the matter was finally settled after the joint inspection of the site by the Collector and the Divisional Engineer,Highways,Bellary.

The erection of the Bunk forms not only an obstruction to the construction of the compound wall proposed but also mar the view of the District Board building in the centre. Neither the President,District Board, Bellary nor the Asst. Engineer,Highways, Bellary was consulted before issue of a license probably treating the site under reference as an encroachment by the District Board and not alienated in its favour. The quetion of alienation did not arise as the site with the building and out houses were transferred to the management of the District Board in the year 1872. The boundary of the site with the building can be judged from the existance of gate pillars which have since been demolished as they proved dangerous to the public.

It is not the intention either of the President,District Board Bellary or the Divisional Engineer,Highways, Bellary and his subordinates to interfere with the orders of the Collector lent to defer the construction of the bunk till the site is jointly inspected as stated above and final orders issued in the matter establishing the proprietory right of a statutory body on the site granted by the Government long ago.

The construction of a private Bunk in front of a public office not only services as a nuisance to the public offices in the District Board building but also form an obstruction to the traffic on the trunk road. I donot see any material objectinn if the Bunk is erected in the junction of the Trunk road and chitwadigi road as proposed by the Divisional Engineer, Highways., Bellary.

I, therefore request the Collector Bellary to reconsider the orders already passed and order the licensee to defer the construction of the Bunk till the matter is finally decided after joint inspection. I,further invite your kind attention to this office Ref.C.No. 4925/50-B.1. dated 6-9-50 in the matter . The favour of early orders are requested.

Sd. Y. Mahabaleswarappa,
President.

/True copy/

Y. Mahabaleswarappa

President,District Board,
Bellary.

4/19

Proceedings of the Madras Government, Financial Department,
6th July1872.

No. 44. Read the following Proceedings of the Board of Revenue, dated 8th June 1872, No.941 ;-

Read thefollowing letter from J.H.MASTER, Esq., Acting Collector of Bellary, to the Secretary to the Board of Revenue, dated 11th May 1872, No.144 ;-

With reference to paragraph 2 of the Proceedings of the Board, No. 53, dated 8th January last, I have the honour to inform you that TRavellers Bungalow sn are in existence only in two Circles of this district, viz, Bellary and Gooty.

2. The Municipality of Bellary is willing to take over the bumgalow at Bellary itself. The Local Fund Board, Bellary Circle, is willingto take over the bungalows of Kuditini, Gadiganur, Hospet Bylahunsi, and Hampasagar on the roadto Dharwar, and that at Yettinahatti, on the road to Ramandroog.

They do not wish to take thatat Paramadev anahalli, eight miles from Bellary, on the Gooty road.

3. The Municipality at Gooty decline to take over the bunglows at Gooty, and at the Railwary station two miles from the town.

The Local Fund Board, Gooty circle decline to take over the bunglow at Alur, on the road from Bellary to Kurnool.

4. I have, therefore the honour tomake the following proposals That the bunglows accepted by the Municipality of Bellary and by the Local Fund Board, Bellary circle be madeover to those bodies.

That the bunglows at Parmadevahahalli and Alur made over to the Department of Public Works to be unsed as store shed. The Police Department does not want them.

That the bunglow at Gooty be transferred to the ist of Civil buildings and made present use of as a temporary Office of the Sub-Cllector. That that at the Railway Station be sold (for its mateials only its construction being not of a substantial character), the site being made use of for other purposes if required.

5. A list in the prescribed form, of the buildings to be given over to the Municipality and Local Fund Board, is enclosed.

ENCLOSURE Nos.1 and 2 -list.

Submitted for the orders of Government.

2. The Board concur with the Collector. The bunglow near the Gooty station which he proposes to sell "for the aterials" was meant to meet a temporary want felt whilst Gooty was a terminus and only cost Rupees 500

ORDER THEREON 6th July 1872,No.877

The transfer of the bunglows, as proposed in paragraph 2 of the Collector's letter, is sanctioned.

2. The bunglows at Paramadevahahalli, Alur and Gooty can be retained and made use of for the purposes specified by the Collector.

Proceedings of the Madras Government, Financial Department
6th July 1872.

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3. Government approve of the proposal to sell the bunglow at the Gooty station.

4. The proceeds will be credited to Provincial.

/True Extract/

Assistant

Rev. Dept.

L. No.

13/11/57

In 14.11.57

p 15.11.57

✓ p. 1 is cf

if or pl

Memo No. 68067-A/50-13 dated 13-11-57.

Lease – Land – (Bellary) – Hospet town – S.No. 165/1 – Messrs. Kawasaki & Co. – Erection of petrol bunk.

From the Board of Rev. Ref. No. B. 9910/50-7 dated 28-9-57.

In its reference quoted, the Board of Rev. has stated that the site in question appears to vest in the Dt. Board. From the facts mentioned in paras 6 to 8 of the letter from the Coll. of Bellary received with the Board's reference, it appears to be clear that the site is village-site at the disposal of the Govt. The Board is requested to state how it ~~treats~~ considers that the site in question vests ~~with~~ in the Dt. Board.

13/11/57

15.11.57

and/of Rev. (RR)

RB 10/11/57 6/11/57

89354 A5

REVENUE DEPARTMENT,

Subject;

LEASE—Land—(Bellary)—Hospet Town—S.No. 165/1 in favour of Messrs Kavasali & Co., Erection of a petrol Bunk—Objection.

***

Madras. Lee.3.9910/50-8. Dated 26th Dec.,1951.

Sri A.F. Mascarenhas, I.A.S.,
Secretary, Board of Revenue.

Sri W.R.S. Sattianathan, I.C.S., Commissioner of Land Revenue.

Read: Board's Ree.B.9910/50-7 dated 28-9-1951.
Govt. Memo.No. 68067-A/50-13 dated 13-11-1951.

REFERENCE:

With reference to the Government Memo cited the Board submits the following:

The Collector contends that the site is a village site poramboke at the disposal of the Government that there is no mention of the site measuring 2.76 acres, except the Traveller's Bungalow, in S.No.165/1 having been (x) transferred to the Local Fund Board in G.O. 877 dated 6-7-1872, and that if the site had really vested in the District Board it would not have applied to him previously for the alienation of the site. On the other hand, the District Board asserts that the main bungalow is in the centre with the open space around it and extending up to the gate pillars on the trunk road has been under its possession ever since the transfer, that it applied for alienation of the site once on the mistaken impression that the site belonged to the Government.

c) In G.O. 877 dated 6-7-1872 the Travellers Bungalow at Hospet (situated in S.No.165/1) was transferred to the management of the District Board and ever since the transfer the building has been in the possession of the District Board. The space around the bungalow is vacant and a portion of it has been leased out for the petrol bunk. Of course there is no mention in the G.O. about the vacant space having been transferred to the control of the District Board. But the interpretation of the G.O. by the Collector appears to be rather literal. When once the building was transferred to the management of the District Board it would naturally mean that the building as well as the appurtenances to the building (i.e.) the vacant space around it, was also made over to the District Board. The building was transferred to the District Board as early as 1872 and ever since the District Board has been in possession of the building and at this distance of time it is not accurate to say that the site is a village site poramboke. It is for these reasons it was considered that the site in question appears to vest in the District Board.

for Secretary.

To the Secretary to Government, Revenue Department, Madras.

nedr.27-12.

Rev Dept

Revs No: 68067 A/50-17 dated: 1-4-52

Land - Lease (Kellary) Hospet Town - S No: 165/1. Vested in the Bellary District Board - Construction of a petrol bunk by Messrs. Kawasaki & Co; Hospet - Licence granted by the CSM. of Bellary - Objections.

a/3/4

Ref 1-3 CF - 16 U.
Ref 16-19 CF - X 23 F - 34 F

From the Superintendent, Dist Board, Bellary, 4925/10-B1 dt 20.9.50
government memo No: 68067 A/50-2 Revenue, dated 10-10-50
From the Board of Revenue, Acf. B. 9910/50-7 dated 28.9.57
government memo No: 68067 A/50-13 Rev, Dt 13.11.57
From the Board of Revenue, Acf B. 9910/50-8, dated 26.12.57.

A on p 60 F
p 84 Cf

In the circumstances stated, the government agree with the Board of Revenue that the site in question vests in the District Board, Bellary.

2. The Board of Revenue is requested to instruct the Collector of Bellary to issue a notice to the licensee to vacate the land after giving him a month's time.

B on p 60 F
D on p 58 F

3. The Superintendent, District board, Bellary is informed that the Collector of Bellary has been instructed to revoke the licences granted to Messrs. Kawasaki & Co; ~~Bangalore Kumara~~ Shri Basavaraja as Channa basappa Kotambi, Caltex Agents, Hospet for the

C on p 121

construction of a petrol bunk in S. No 165/1, Harpet, by giving a month's notice to the licencee.

25/3/52

29/3/52

2 cc to Rly (with Records etc)
2 cc to Collr, Kellay.
2 cc to Addl, Dy Rd, Kellay for 3 copies

Lease - land - (Bellary) - Hospet town - S.No 165/1 - Messrs Kawasali & Co - Erection of petrol Bunk -

Cr.No 68067 A/50

From the President Dt Bd Bellary, letter Cr.No 4925/50 - B1 - 20.9.50.

To AS

Pl see the letter from the Pt Dt Bd Bellary and its enclosures in the C.F.

2. In this letter on pp 1-3 of C.F, the Pt, Dt Bd, Bellary has objected to the grant of lease by the land comprised in a portion of S.No 165/1 to Messrs Kawasali & Co granted by the Collector of Bellary to Messrs Kawasali & Co for the erection of petrol pump. He has also requested that the construction of the petrol pump by the lessee may be ordered to be stayed. In regard to the request for stay, attention is invited to the instructions contained in the W.O note at flag (R). The Govt have ordered that stay orders should not be issued without calling for a report from the subordinate offices and that if the grant of the stay order is considered really necessary, the case should be circulated to H.C.M. For orders whether a stay will be considered unnecessary and an urgent report called for from the Collector. 3. Subject to orders a draft memo is submitted for approval. L.A. may see before issue.

ASST. SECRETARY TO GOVERNMENT 10098 OCT 1950

4/10/50

4/10/50

Ur 5.10.50

L.A

L.A.E

Draft may be perused.

7.10.50

Secy

Rev

LOCAL ADMINISTRATION DEPARTMENT 40796 OCT 1950

M 9/10

Memo 6079 G/50-1A 9/10

9/10/50

Rev Dept.

D.S.

Please see the notes on page 1 ante. The draft memo may now issue.

10.10.50

Issued as Memo no. 68067 A/50-2 dt. 10.10.50. p 4 cf

From the P. D-B. Bellary, Lr. Cno 4925/50 B1. dt. 21.11.50. pp. 8-9 cf

To A.S.

Please see the notes on p. 1 ante, the memo on p. 4 cf and the letter from the P.D.B. Bellary on pp 8-9 cf.

2. The P. D-B has stated that the licensee has constructed the petrol pumps, and at when he was about to perform the opening ceremony he was served with the stay orders of the Court. The P. D-B requests early orders on his letter on pp 1-3 cf. L-A. Dept has suggested p 8 cf that an interim reply may be sent to him if necessary. The suggestion may be accepted and the Collr of Bellary may also be asked to submit the report called for in the Govt memo on p 4 cf. very urgently. Subject to orders, two drafts are submitted for approval.

12.50

26/12/50

Memo as Dm. No. 68067-A/50-3 dated 26.12.50 p. 10 cf

Issued as Dm. No. 68067-A/50-4 dated 26.12.50. p. 11 cf

From the Board of Rev. Ref. No. B. 9940/50-7 p. 12 cf

dated 28-9-57.

A.S.

Please see the notes from p. 1 ante and the Board's reference and its enclosures on pp. 18-32 cf.

dated 23.12.49, the Collector of Bellary leased out an extent of 60'x 40' in S.No. 165/1, village-site poramboke of Hospet town to M/S. Kavasaki and Co. for the construction of a petrol bunk on payment of an annual licence fee of Rs.132/-.

2/- While the ~~application~~ applicant lessee was constructing the bunk, the President, Dt. Board, Bellary objected to the grant of site on lease on the ground that the land is vested in the Dt. Board, that the construction of the bunk overlaps the view of the main building in the centre and that it is detrimental to the interests of the building and the public offices working in it. The President, Dt Board requests that the Coll. may be instructed to issue stay orders to the licensee and to grant him licence for the purpose in some other plot. He claims that the Travellers' Bungalow situated in this survey number was transferred to the management of the Dt. Board Bellary with the out-houses in Lgo. No. 877 Fin. dated 6.7.1872 and that ever since the transfer the Travellers' Bungalow, the out-houses and the open space were under the management of the Dt. Board.

3/- The Coll. of Bellary was asked to submit a report in the matter through the Board of Rev. The Coll. has stated that there was no mention of the site measuring Ac.2-76 in S.No.165/1 village site poramboke ~~of~~ having been transferred to the Local Fund Board in

Go. No. 877 Fin. dated 6-7-1872 and that of the site has really vested in the Dt. Board, it would not have applied for the alienation of the site for the construction of office building and compound wall in 1967. He has also pointed out that an encroachment by the Dt. Board on an extent of Ac. 1.00 in S. No. 165/1 was booked from the year 1939 to 1949 and in fasli 1359 an encroachment of only 20 cents was booked. In the circumstances he has observed that the site is village site at the disposal of the Govt. and that there is nothing to show that anything other than the Travellers Bungalow was made over to the Local Fund Board.

× Copy at p. 2 of (×)

para) on p. 15 of

4/- The Board of Rev. has observed that ~~the~~ the site in question appears to vest in the Dt. Board and that the Collr. has no authority to lease it out for a petrol pump. It has also pointed out that no indemnity bond was taken from the lessee as required in Go. Ms. No. 2038 Rev. dated 6.10.32. The Board therefore recommends that the lease granted by the Collr. may be cancelled.

p. p 18-19 of

✓ pp. 12-13 of (F)

5/- It is not known how the Board of Rev. has stated that the site appears to vest in the Dt. Board. From the facts mentioned in paras 6 to 8 of this report on p. 16 cf., it appears to be clear that the site is village-site at the disposal of the Govt. Though the President, Dt. Board has contradicted these facts in his letter at P on pp. 1-2 cf., he has not urged any convincing reasons for meeting these facts. It is for orders whether the ~~site~~ Collr's view that the site is village site at the disposal of the

These facts of the points not in the knowledge of the Board of Rev. it is evident that the site also vests in the Dt. Board: Other will also refer to the Go. No. 2038 of 1932.

B

1/11/67 A.

6.11.67

Govt may be accepted.

6/- With regard to the question of the cancellation of the lease, it is submitted that it appears advisable to cancel it in view of the facts mentioned in the Board's reference and also in view of the objection of the Dy Bd. on pp. 18-19 Cf./ The lessee will not be entitled to any compensation for any loss sustained by him as he shall within one month from the date of receipt of a notice from the Collr vacate the said land after recovering the pump, the reservoir and storage construct - vide condition 8 of the licence onp 60 Cf. of (S). It is for orders whether the Board of Rev may be asked to instruct the Collr to issue a notice to the lessee to vacate the land after giving him a month's notice.

A 8/11/11

7/- L.A. and Fin. may see for remarks before circulation. Legal aspects with ref to para 6 of the note above.

8/11/11

Dy

Further action can be taken after receipt of Board's report on A. on the previous page.

6.11.31

As

A draft memo is submitted with ref orders of Dy above. (A separate routine has been sent to L.A. for putting up the G.O. ref. to B onp. 4 ante)

a matter had to be invited attention to the rules on the subject. ... subject ... Govt ... 5.10.57

8/10/57

Issued as Memo no 68067 A/50-13 of 13.11.51. f.33 cf.
From the BD of Rev, Ref. B. 9910/50-8 of 26.12.51. f.34.

To A.S.

Please see the notes from the bottom of p. 2. ante, the memo to the BD on p 33 cf and its reply on p. 34 cf.

2. The BD has given reasons p 34 : why it considers that the site appears to rest in the Dt of BD. The BD's view may therefore be accepted. for orders. 23/1/52 A

3. Attention is invited to paras 4 and 6 on pp 4 and 5 ante. It is for orders whether 'A' on p 5 ante or the 23-1-52 B alternative may be accepted.

4. L.A, Home, and Fin may see for remarks before circulation. Legal may also see i.r.r. para 6 on p 5 ante.

A Rahim
23/1/52

23/1/52

Tele.
21.1

LH / Home / Fin / Legal

adopted
L A 27.1.52

L A

The proposals of Rev at A and B above may be accepted

24/1/52

23/1/52

14583
LOCAL ADMINISTRATION DEPT
2399

Home (T&C) Dept

Rev

Notes of Rev from the bottom of p 2 ante above may be perused. The proposals of Rev at A

Memo no 2399/52
28/1/52

B & b above may be accepted in this Dept and the Case passed as to Finance

29.1.52

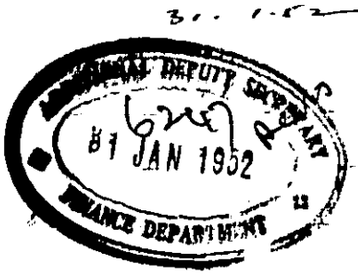
29/1/52

Fin.

Finance (Accts)

Home no 145 & 375/52-1

31.1.52



The file deals with the objections raised by the President, District Board, Bellary, for the lease of the land comprised in a portion of S. No. 165/1, granted by the Collector of Bellary to M/s Kavasali & Co, for the construction of a petrol bunk on payment of an annual licence fee of Rs 132/-.

The notes of Rev from the bottom of p. 2 above, which examine the case, may be perused. In the circumstances stated, Finance also may agree to the proposals of Rev at A and B on p. 6 above.

6-2-52

6/M

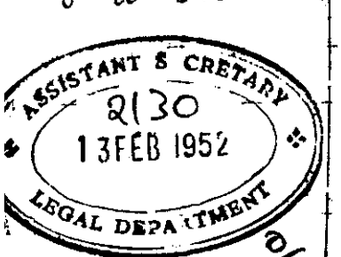
ADS

P 7/52

Legal (Opinions) Department.

no 62247 Accts-1

8-2-52.



It is clearly open to the Collector to revoke the licence under the terms of the contract of licence at pa 59-61 c.f. of Collector's R.Dis No.7616/49, dated 23-12-: at (S) by giving a month's notice to the licensee. But there is another important circumstance in this case whi has to be considered. The land in respect of which the licence was granted belongs to the Bellary District Boar and not to the Government. The Collector of Bellary had therefore no authority to grant the licence. This is clearly stated in the report of the Board of Revenue at

ages 18-19 c.f. The District Board, Bellary, may be
nformed that the Collector has been instructed to revok
ne licence by giving a month's notice to the licensee.

HCM 18/3/52 KVR 13/3/52

Revenue Dept

Legal U.O. 2130 /52-1
18-3-52

Rev Dept

Please see the note in the bottom of
62 ante

2/ The file deals with the objections raised by the President, District Board, Bellary, against the grant by the Collector of Bellary, of the lease of land comprised in a portion of S.No 165/1, Hospet town, to Messrs Kawasaki & Co for the construction of a petrol bunk on payment of an annual ~~fee~~ licence fee of Rs 132/-. The Board of Revenue considers that the bunk appears to vest in the Distt Board and has recommended that the lease granted by the Collector may be cancelled. In the circumstances, this Dept have agreed with the letter that the Board should be asked to instruct the Collector to issue a notice to the licensee to vacate the land after giving him a month's notice. L.A, Hosp, and Finance Dept have agreed with this Dept. Legal have also suggested that the Distt Board may be informed that the Collector has been instructed to revoke the licence by giving a month's notice to the licensee. ~~The Board may be informed accordingly on the above proposal.~~ A draft memo incorporating the above proposals is submitted for approval

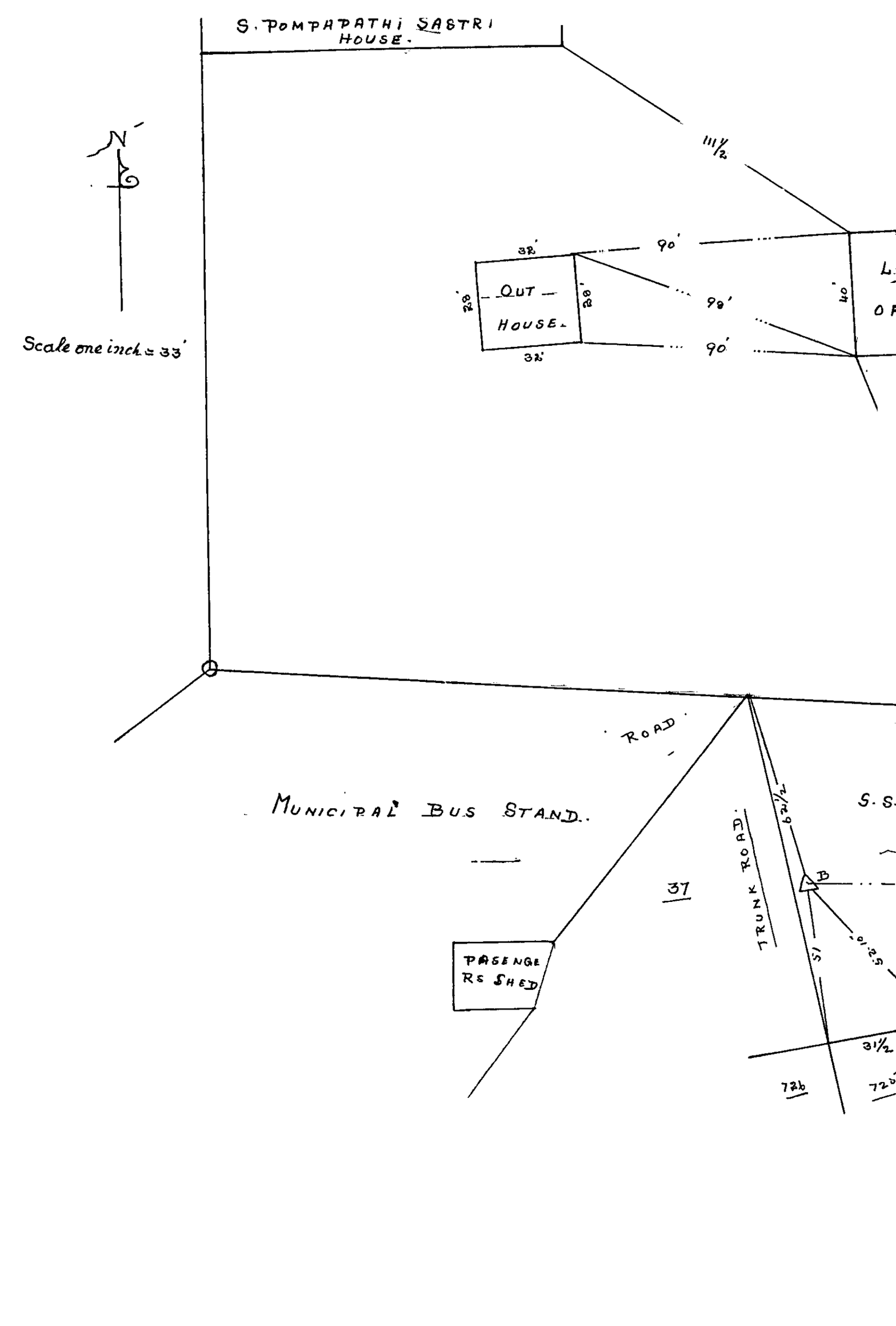
28/3/52 D.S.

16132A
REVENUE DEPARTMENT

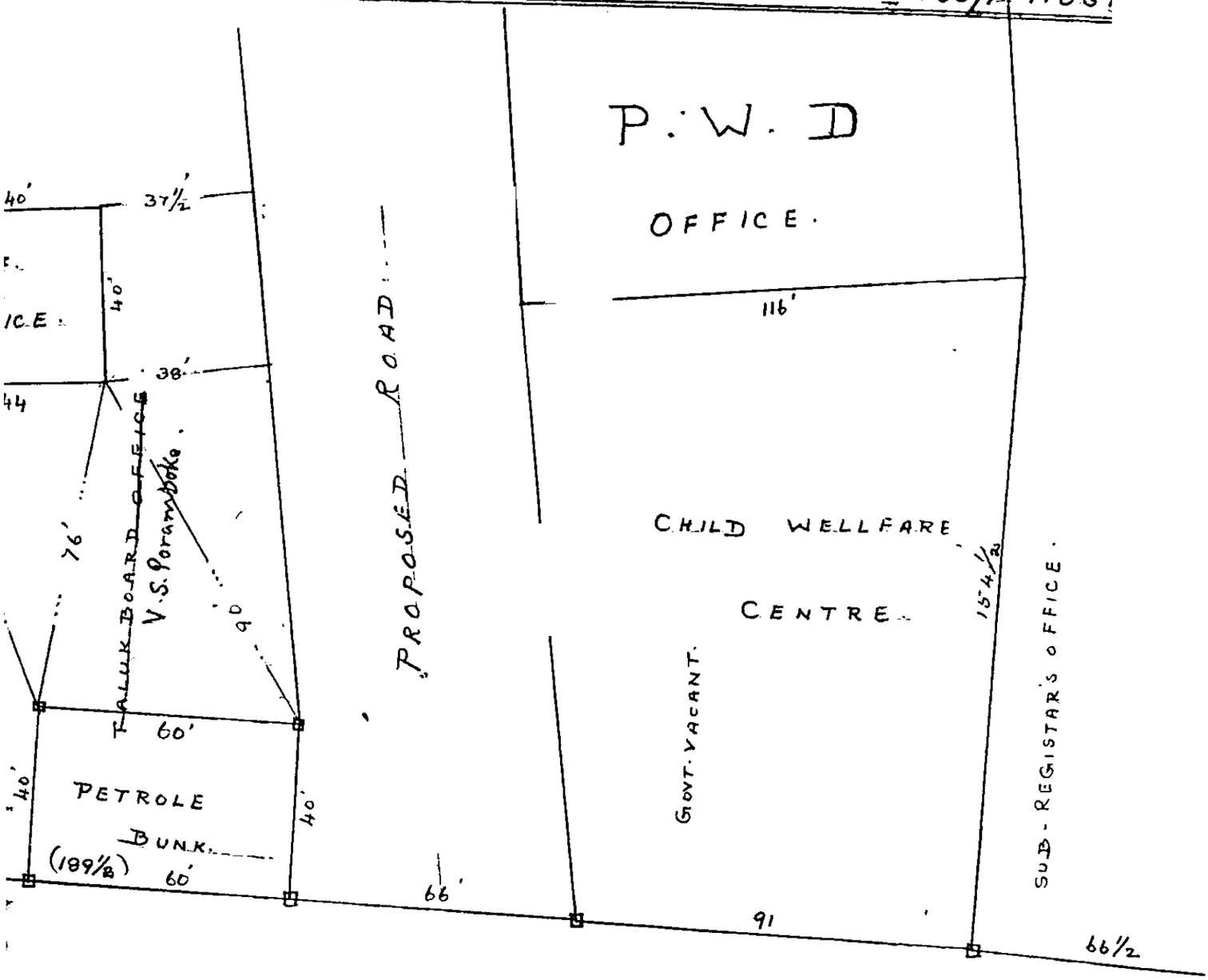
ff 1-2 CF

SUB REGISTRARS OFFICE

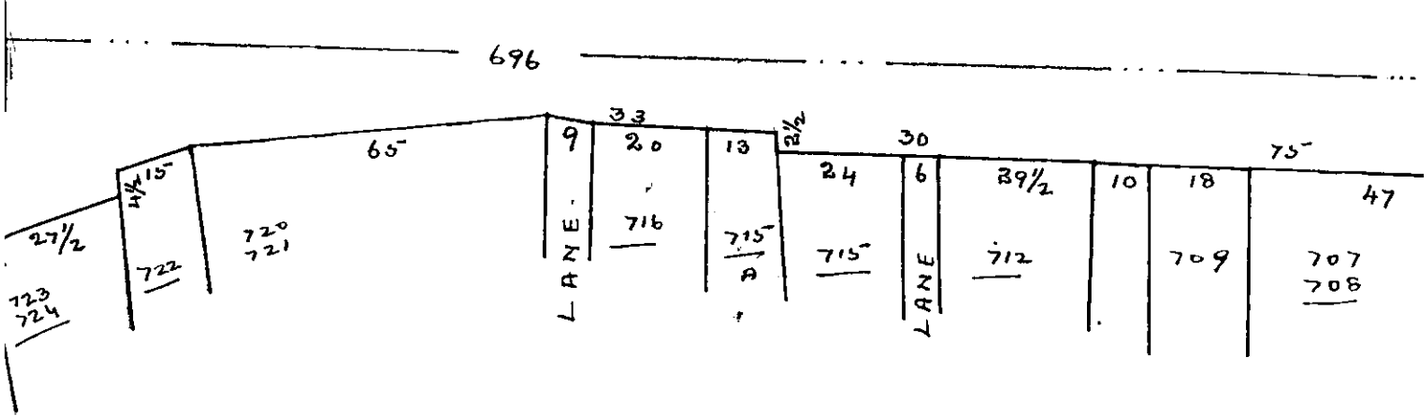
IN S.NO.165 VILLAGE SUITE PORAMBOKE
95 HOSPET TOWN


S. POMPAPATHI SASTRI HOUSE.
N
Scale one inch = 33'
111½
32'
90'
28'
OUT HOUSE.
28'
98'
90'
32'
40'
ROAD
MUNICIPAL BUS STAND.
37
PASENGE RS SHED
TRUNK ROAD
62½
B
51
31½
72b

TOPOGRAPHICAL SKETCH S. No 165/1 HOST



36. T R U N K R O A D.



Memorandum
5.6.51
Tahsildar
Hospet.

213
5.6.51 AT.

Prepared by
B Ramanna.
5/6.51
Town Surveyor
Hospet Municipality